

**CLINTON COUNTY ELECTION COMMISSION**  
**Clarity/Factual Recall Review Hearing**  
**May 17, 2023**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE	The Clinton County Election Commission met Wednesday, May 17, 2023 at 8:30 a.m. in the Clinton County Board of Commissioners Room, Courthouse, St. Johns.
ROLL CALL	Roll was called by Clerk Sutherland. Present were Commission Members Hon. Lisa Sullivan, Judge of Probate; Steven E. Wiswasser, Treasurer; and Debra A. Sutherland, County Clerk.
PRESENT	George Bedard, Kathy Oberg, Jeff Oberg, Patti Schafer, Chelsea Hoppes, Stephanie Dush, Theresa Nelson and Carolyn Simon
PURPOSE OF CLARITY HEARING	Judge Sullivan introduced the Election Commissioner members and explained the purpose of the hearing to determine whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer, whose recall is sought, and the electors to identify the course of conduct that is the basis of the recall. Judge Sullivan pointed out that the Election Commission does not determine the truth of any allegations.
READING OF RECALL LANGUAGE	“In the Spring of 2022, Eagle Township Treasurer, Kathy Oberg, voted in support of a motion to have the Eagle Township Supervisor sign a non-disclosure agreement pertaining to the potential large-scale development of land in Eagle Township. The motion passed and the act limited the information available to Eagle Township residents affected by the potential development.”
STATEMENTS BY SPONSOR	Judge Sullivan called for comments by the sponsor of the recall. <ul style="list-style-type: none"><li>Chelsea Hoppes, 15048 S. Tallman Road, Eagle, told the members that she believes the language is simple, factual and identifies misconduct. She once again stated that she does not take the filing of a recall lightly. Ms. Hoppes added that she feels the signing of the non-disclosure has created a lack of transparency and mistrust between the township residents and the township board.</li></ul>
STATEMENT BY OFFICEHOLDER	Judge Sullivan called for comments by the proponent of the recall effort. <ul style="list-style-type: none"><li>Kathy Oberg, 13330 S. Grange Road, Eagle, stated that on the date the non-disclosure agreement was signed, the meeting minutes reflect that the entire board voted in favor of the act. She questioned why she is being singled out.</li></ul>
PUBLIC COMMENTS	Judge Sullivan called for public comments. <ul style="list-style-type: none"><li>Patti Schafer, 10388 W. Herbison Road, Eagle, thanked Judge Sullivan for explaining what the petition language should or should not be, specifically the mention of opinion. She noted that she believes “withholding information” sounds like an opinion.</li></ul>
DISCUSSION	Judge Sullivan opened the hearing up to discussion by the Election Commission members. <ul style="list-style-type: none"><li>Treasurer Wiswasser remarked that he felt the language was clear, however found fault in the misconduct indicated. He added that if one board member is being singled out for voting on a motion, all members should be found guilty. Mr. Wiswasser expressed that, in his opinion, it is the responsibility of an elected board member to vote on a motion and struggled with the misconduct. He compared the language to that filed in the petition language to recall the supervisor and identified the differences.</li></ul>

- Judge Sullivan noted that it is not the responsibility of the commission to determine who is the proper person or persons to be on a recall petition and, theoretically, a petition could be filed for each member of the board. She understood the misconduct as giving the supervisor the authority to do something that limits information and added that what Ms. Schafer and Ms. Oberg specified in their comments may be justification that they can provide for the action. In addition, she noted that this petition, in comparison to the previous petition, gives the electorate a specific character and instance of conduct, and finds this clearer.
- Clerk Sutherland agreed that the language in the petition clearly states the charge, allowing the officer to identify the incident and prepare her justification, as well as informing the electorate of the specific character and instance of official misconduct. She believes the language to be factual and clear and identifies the conduct for the basis of the recall.

Further clarification by Judge Sullivan followed, explaining that the language alleges misconduct, and the responsibility of the board could be used as justification. Whether it is true or not is not the charge of the Election Commission.

Judge Sullivan allowed for additional comments by the sponsor and the officeholder.

- Ms. Hoppes spoke to Mr. Wiswasser's concerns about the vote of the other board members and noted that the current clerk was not a board member at the time the identified incident occurred. She restated that recalls are not to be taken lightly.
- Ms. Oberg reiterated her comments that all five members voted to authorize the supervisor to sign the non-disclosure agreement and does not understand why she is being singled out.

DETERMINATION BY THE  
ELECTION COMMISSION

Judge Sullivan asked the members to vote on the approval of the petition. Clerk Sutherland voted yes; Treasurer Wiswasser voted no; and Judge Sullivan voted yes. The language was approved, and a Determination of Election Commission was prepared.

ADJOURNMENT

With no further business to come before the Election Commission, Judge Sullivan declared the hearing adjourned at 8:47 a.m.

*Debra A. Sutherland*

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Debra A. Sutherland, Clinton County Clerk